

Application No.: 09/932,676  
Group Art Unit: 1624

Docket No.: NCI-006DV2

### **REMARKS/ARGUMENTS**

Claims 68-90 were pending in the instant application. Claims 88-90 have been cancelled. Claims 68-87 have been deemed allowable subject matter. Applicants have added claims 91-99 based on allowed claims 85, 86, and 87, which have been amended accordingly. As such, and upon entry of the amendments presented herein, Applicants submit that the application is now in condition for allowance with pending claims 68-87 and claims 91-99. *No new matter has been added*

Applicants reiterate that amendment and/or cancellation of the claims during the prosecution of the instant application are not to be construed as acquiescence to any of the objections/rejections set forth in the instant Office Action or any previous Office Action, and were done solely to expedite prosecution of the application. Applicants submit that claims were not added or amended during the prosecution of the instant application for reasons related to patentability. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

### ***Claim Rejections - 35 U.S.C. §103***

#### **Rejection of Claims 88-90 under 35 U.S.C. §103(a)**

Claims 88-90 remain rejected under 35 U.S.C. §103(a) as being unpatentable over El Nasser Ossman *et al.*, Chem. Abstract 107:168619. Applicants respectfully disagree with this analysis. However, in order to expedite prosecution, Applicants have cancelled claims 88-90. Accordingly, Applicants submit that the rejection of Claims 88-90 is moot and request withdrawal of the rejection.

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***Provisional Rejection of Claim:***

***Judicially Created Doctrine of Obviousness-Type Double Patenting***

***Provisional Rejection of Claim 68-90 under Judicially Created Doctrine of Obviousness-Type Double Patenting***

Applicants appreciate the Examiner's withdrawal of the provisional rejection of claims 68-90 under the judicially created doctrine of obviousness-type double patenting.

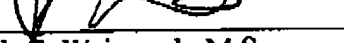
**CONCLUSION**

In view of the foregoing remarks and cancellation of Claims 88-90, withdrawal of all rejections, favorable reconsideration, and allowance of this application with all pending claims are respectfully requested. If a telephone conversation with Applicants' agent would expedite prosecution of the above-identified application, the Examiner is invited to call the undersigned at (617) 227-7400.

Respectfully submitted,

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